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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/720,085

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Louis Goubin

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7590

06/14/2006

MILES & STOCKBRIDGE PC

1751 PINNACLE DRIVE

SUITE 500

MCLEAN, VA 22102-3833

EXAMINER

SON, LINH L D

ART UNIT

PAPER NUMBER

2135

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/720,085	GOUBIN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Linh LD Son	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 March 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11,453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 14-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This Office Action is responding to the Amendment received on 03/30/06.
2. Claims 14-34 are pending. Claims 1-13 have been canceled.

### ***Response to Arguments***

3. Applicant's arguments and amended "a terminal having first computing means provided with a first computing capacity" and "second computing means provided with second computing capacity lower than said first computing capacity" in claim 1 filed 03/30/06 in regarding to the 35 U.S.C. 101 have been fully considered but they are not persuasive. The amended portion does not provide evidence that the mathematical operations have practical application in the technological arts. Further, the claim language does not recite a tangible result. The 35 U.S.C. 101 rejection is maintained. See below.
4. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "the first computing means for calculating at the level of the prover entity a pre-validation value representing at least a quotient of a modular calculation" refers in claim 14) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the

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specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

5. As per remark on page 10, Applicant argues that Kocher does not teach of performing at least one modular reduction utilizing the pre-validation value. Examiner disagrees with the Applicant. Kocher teaches of calculating the M' at the prover and exchange the M' to the verifier for validation. The process is implementing the Montgomery reduction technique to do modular reduction without any division. Therefore, it is clearly that Kocher discloses the claimed invention completely and the rejection basis dated 12/30/05 is maintained. See rejection below.

***Claim Rejections - 35 USC § 101***

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 14-34 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The language of the claim raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the

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basis of statutory subject matter under 35 U.S.C. 101. Claims 14-34 consist solely of mathematical operations without practical application in the technological arts or simply manipulate abstract ideas without practical application in the technological arts.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 14 is rejected under 35 U.S.C. 102(e) as being anticipated by Kocher et al, US/6304658B1, hereinafter "Kocher".

10. As per claim 14:

Kocher discloses "A method for verifying a signature, or respectively an authentication, utilizing an asymmetric private-key and public-key cryptographic calculation process between a *"prover"* entity comprising a terminal having first computing means provided with a first computing capacity and a *"verifier"* entity comprising second computing means provided with second computing capacity lower than said first computing capacity" in (Col 15 lines 30-45), said prover entity including electronic communication

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means for communicating with said verifier entity, wherein the prover entity performs first cryptographic calculations with said private key (d) to produce a signature calculation, or respectively an authentication value, constituting response data (Col 15 lines 30-45, and Col 16 lines 28-52), and the verifier entity, based on said response data, performs second cryptographic calculations with said public key to perform said signature verification, or respectively said authentication (Col 15 lines 45-57), the first and second cryptographic calculations serving to implement the calculation of modulo-n or large-number multiplications, wherein the cryptographic calculation process uses said public key comprising a public exponent  $e$  and a public modulo  $n$ , and said a private key comprising a private exponent (Col 15 lines 30-45, and Col 16 lines 28-52), said method further comprising:

using said first computing means for calculating at the level of said prover entity at least one prevalidation value ( $m'$ , Col 17 line 45, Col 16 lines 61-67, and Col 7 lines 30-55); using electronic communication means of the prover entity for transmitting to the verifier entity said response data comprising at least said prevalidation value (Col 21 lines 20-34);

and utilizing said prevalidation value by the verifier entity and using said second computing means performing at least one modular reduction by utilizing said prevalidation value to obtain the remainder of the modulo calculation (The decrypting process, Col 16 lines 61-67, and Col 7 lines 30-55), "without any division operation at the level of the verifier entity" in (Col 17 lines 56-62, "Montgomery reduction is a

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technique which allows efficient implementation of modular multiplication without explicitly carrying out the classical modular reduction step”).

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. **Claims 17-18, 21-27, and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kocher in view of Blind Signature Schemes, (Menezes et al, Handbook of Applied Cryptography, Chapter 11.8.1 Pg 475), hereinafter “Menezes”. (Cited in PTO 892 dated 05/18/05)**

13. As per claim 17:

However, the Quotient  $Q_2$  is not directly taught. Nevertheless,  $Q_2$  equation is formulated to  $R \cdot (R \cdot R - Q_1 \cdot n) / n$  so that the result of the signature verification is equal to Zero. This verification method is common in art and also taught by the RSA (Col 2 lines 35-47). The verification process is concluded when the decrypted message is the same as the sent message or another word the difference of the messages equals to zero. In addition, the blind signature method is also implemented in the formulation of  $Q_2$  (See Claim 15 basis of rejection using the blind Signature), where the equation is divided by

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n. Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to incorporate the blind signature and the RSA signature verification method into Kocher's invention to reduce the processing burden on the Smart card processor which is limited.

14. As per claim 18:

The blinding signature and the RSA signature verification method described in claims 15, 16 and 17 are also applied.

15. As per claims 21 and 22:

Kocher discloses **"A method according to claims 16 and 18, characterized in that, for an authentication verification operation, said method further comprises the step for transmitting a prompt value from the verifier entity to the prover entity"** in (Col 15 lines 35-40). The prompt value in Col 15 lines 35-40 is the message M, which is not limited to the text message. The message must be originated from party B in order to verify the received message is the same as the original.

16. As per claims 23 and 24:

Kocher discloses **"A method according to claims 21 and 22, characterized in that said prompt value comprises a random value d modulo n, said response value M comprises an encrypted value B, and said function of the response value comprises a function f(A) of said random value d"** in (Col 15 lines 35-40). As rejected in claims 21 and 22, the f(A) is recited as  $f(M) = M^d \text{ mod } n$ .



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17. As per claims 25-27:

Kocher discloses **"A method according to claims 16 and 21-22, characterized in that said function  $f(A)$  if said random value  $A$  comprises a function among the functions  $f(A)=A$ "** in (Col 15 lines 35-40). The function taught is  $M^d \bmod n$ . If  $n = 1$  and  $d=1$ , then  $f(A) = A$ . However, the " $f(A)=n-A$ ,  $f(A)= C \cdot A \bmod n$ ,  $f(A)= -C \cdot A \bmod n$ " is not taught by Kocher. Nevertheless, the result of the  $f(A)$  is depending on a mathematical functions  $f(A \bmod n)$ . Therefore it would have been obvious at the time of the invention was made for one having ordinary skill in the art to implement plurality of different mathematical functions to acquire different results to add more verification steps of the signature.

18. As per claims 31 and 32:

Kocher discloses **"A method according to claim 23, characterized in that said function  $f(A)$  of said random value  $A$  is the function  $f(A)=A$ , which makes it possible to verify the equality of said difference and the validity of said authentication without any division operation for the modular reduction"** in (Col 15 lines 35-40, and Col 17 lines 30-65). Montgomery's reduction is an arithmetic reduction performing without any division operation (Col 17 lines 60-65).

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19. **Claims 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kocher in view of Menezes, and further in view of Stinson, Cryptography theory and Practice, CRC Press, Inc. page 3, hereinafter "Stinson". (Cited in PTO 892 dated 09/08/04)**

20. As per claims 28, 29, and 30:

Kocher and Menezes do not clearly teach **"a method according to claim 25, 26, and 27, respectively characterized in that at the level of the verifier entity, the calculation of said function  $f(A)=C*A \bmod n$  comprises calculation of the value  $C*A$  and storing of said value if  $C*A < n$ , and the calculation and storing of the value  $C*A - n$  if not, and in that calculation of said function  $f(A) = -C*A \bmod n$  comprises calculation of the value  $n-C*A$  and storing of said value if  $n-C*A \geq 0$ , and otherwise calculation of the intermediate value  $C*n-C*A$ , and if said intermediate value is greater than or equal to zero, calculation and storing of the value of  $-C*A \bmod n$ , for verifying the equality of said authentication without any division for the modular reduction"**. Nevertheless, the modular reduction method in the claim is the basic mathematic of modular reduction comprise of multiplication and subtraction only. The same method is explained in Stinson on page 3, (the definition 1.2). The C is similar to  $q_1$  and  $r_1$  is the remainder of a division of  $m$  by  $b$ . The checking of the difference less than or equal to 0 is to find out the arithmetic completed or not. Therefore, it would have been obvious at the time of the invention was made for one having ordinary skill in the art to implement the modular reduction method without any division by trying number of variables until the remainder is found.

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The method would require minimal processing capacity given that  $n$  is not sufficiently large.

21. **Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kocher in view of Menezes, and further in view of Poore et al, US Patent No. 6202933B1, hereinafter "Poore". (Cited in PTO 892 dated 09/08/04)**

22. As per claims 19 and 20:

Kocher and Menezes do not disclose, **"the applying a condensation function to said message to obtain a message digest CM; and concatenating said message digest with a constant value "**. Nevertheless, the feature is taught clearly by Poore in (Col 4 lines 52-56). Therefore, it would have been obvious at the time of the invention was made for one having ordinary skill in the art to modify the invention to include Poore's teaching so that the signature is further be verified by using its digest.

23. **Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kocher in view of Poore et al, US Patent No. 6202933B1, hereinafter "Poore". (Cited in PTO 892 dated 09/08/04)**

24. As per claim 33:

The encrypted value  $B$ , and a quotient value  $Q$  in claims 14, 15, and 17 is incorporated. However, Kocher does not teach the concatenation of the two values. Nevertheless, it is taught in Poore in (Col 4 lines 52-56). Therefore, it would have been

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obvious at the time of the invention was made for one having ordinary skill in the art to combine Poore's teaching to add a security feature to the message transferring process.

25. **Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kocher in view of Liskov et al, US Patent No. 6411715B1, hereinafter Liskov. (Cited in PTO 892 dated 09/08/04)**

26. As per claim 34:

Kocher does not disclose "a method according to claim 14, **wherein the verifier entity compression embedded system such as a microprocessor card and the prover entity comprises an embedded card reading system**". Nevertheless, Liskov teaches a method and apparatus for verifying the cryptographic security keys where the authentication process is utilized in microprocessor card and a card reading apparatus (Col 7 lines 5-15, Col 6 lines 50-65). Therefore, it would have been obvious at the time of the invention was made for one of ordinary skill in the art to incorporate Kocher's teaching in the smart card technology to reduce the processing power and time which is limited in the technology.

***Allowable Subject Matter***

27. Claims 15 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

28. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


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29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linh LD Son whose telephone number is 571-272-3856. The examiner can normally be reached on 9-6 (M-F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Linh LD Son  
Examiner  
Art Unit 2135



KIM VU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100